## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

TABATHA WHITE,	)	
Petitioner,	)	NO. 3:06-0428 JUDGE HAYNES
v.	)	JODGE HATNES
JEWEL STEELE, Warden,	)	
Respondent.	)	
	ORDE	₹

In accordance with the Memorandum filed herewith, the Petitioner's motion for summary judgment (Docket Entry No. 62) is **GRANTED**, and the Respondents's motion for summary judgment (Docket Entry No. 63) is **GRANTED** as to all of Petitioner's claims, but is **DENIED** as to Petitioner's claim that she had ineffective assistance of counsel for her trial counsel's failure to

request a jury instruction on circumstantial evidence. The writ of habeas corpus shall issue. The

State has 120 days to retry the Petitioner.

This is the Final Order in this action.

It is so **ORDERE**D.

ENTERED this 3/ day of March, 2014.

Chief United States District Judge